

App. No. : 08/607,791
Filed : February 27, 1996

*Accepted
By [signature]*
using the digital nonlinear motion picture editing equipment to generate a second edit decision list based on evaluation of the audience reaction to the preview screening; and conforming the motion picture film to the second edit decision list.

REMARKS

This application has been reviewed carefully in view of the Office Action dated August 6, 1996. In that Office Action, claims 1-7 were rejected under 35 U.S.C. 103 as being unpatentable over the Frazen patent in view of the Kajimoto patent. Claims 8-11 also were rejected under 35 U.S.C. 103 as being unpatentable over the Frazen and Kajimoto patents in view of the Washino patent.

Applicant also notes the objections to the drawings. Applicant will prepare and submit formal drawings upon the allowance of a claim.

By this Amendment, applicant has amended the Title of the Invention to be more descriptive of the claimed inventions. The specification also has been amended to clarify that the "final edit decision list" used for final negative conformation is also referred to as a "negative cutting list." This clarification has been made to provide a proper antecedent basis for the term "negative cutting list" used in the claims and does not add new matter. In addition, applicant has amended claims 1 and 7 and has added new claims 12-16. Thus, the claims now in this application are claims 1-16. Applicant requests reconsideration of these claims in view of the foregoing amendments and the following remarks.

The present invention concerns replacing film workprint with electronic equivalents that possess sufficiently high quality to project on a big screen and thereby simulate as close as possible the experience of actual theatrical film viewing. The invention provides this

App. No. : 08/607,791
Filed : February 27, 1996

simulation by using high definition video (or better) in connection with the viewing of dailies and exhibitions to an audience such as at a preview screening. This is all done without workprint and without concluding the post-production process in the electronic form. The use of high definition video is not the end of applicant's process, but, rather, is an interim step within the entire post-production process of editing the original film negative. Importantly, the conclusion of applicant's process is a cut film negative, as opposed to an edited video production, from which prints are made for display to the public. Thus, simply put, this invention provides methods for editing, screening and previewing high quality motion pictures in conjunction with an electronic nonlinear editing environment where a cut film negative is the final and desired end result.

Claim 1 has been amended to more clearly recite these features and to clarify applicant's invention over the prior art cited by the Examiner. In particular, after the visual images on the original motion picture film have been transferred to a high definition video storage medium, and the digital nonlinear motion picture editing equipment has been used to generate an edit decision list, claim 1 further recites "conforming the visual images" in the high definition video format "to the edit decision list for preview screening...." After this, the digital nonlinear motion picture editing equipment is used "to generate a negative cutting list based on audience reaction to the preview screening." In the final step, the motion picture film is conformed to the negative cutting list. New claims 12-16 recite these and other features that are neither disclosed nor suggested in the cited references.

The Frazen patent relates to a method for applying various reference codes to the "balance stripe" of 35mm sound film through the use of flatbed editing tables. These types of

App. No. : 08/607,791
Filed : February 27, 1996

editing tables are designed for use with workprint and not with film negative. The Frazen patent has nothing to do with the use and editing of high definition video for preview screening in place of workprint. Frazen's teachings are therefore diametrically opposite to applicant's invention, in which workprint is not used at all.

In applicant's method, the workprint is replaced with video that is as good or better than what is now called "high definition" video. The high definition video is conformed to an edit decision list and then displayed to a preview audience. Based on the audience reaction, creative decisions are made by filmmakers using a nonlinear editing system to generate another edit decision list or a negative cutting list (i.e., a final edit decision list).

One of the significant aspects of the claimed invention is that the previews are displayed at a much higher resolution, capable of projection on a big screen, thereby providing more visual information. This enhances the viewing and thus contributes to a better evaluation and better artistic judgments by the filmmakers. All of this results in more creative decisions and, finally, a "final cut" of the motion picture and a negative cutting list that is intended to be as good or better than what would have been achieved using workprint for evaluative purposes. Yet, all of these benefits are provided without the added labor and expense that comes with tedious and expensive workprint editing.

The examiner notes Frazen's reference to a "video recorder/player 114" which "may be a video cassette recorder, a video tape recorder, or some other form of recording means well known in the art." This statement, however, does not suggest the use of high definition video (or better) in place of workprint for viewing dailies or preview screening before an audience on a big screen as one step in the process of editing a film negative. Video has been used in

App. No. : 08/607,791
Filed : February 27, 1996

conjunction with film editing for many years in various ways. However, this alone does not suggest the use of high definition video (or better) to replace workprint in film production and/or post-production in the manner claimed by applicant.

The Kajimoto patent relates to systems for nonlinear video editing. It deals entirely with video (electronic) images and is one of many such systems. Applicant makes no claim to having invented digital nonlinear video editing equipment. Rather, applicant has invented a novel method for replacing workprint in the process of preview screening and subsequent film editing, a concept that is not at all disclosed or suggested in the Frazen or Kajimoto patents, either alone or in combination.

In applying the Frazen and Kajimoto patents to Claim 1, the examiner appears to have focussed on the limitations of applicant's claims, as originally filed, relating to the transferring of visual images from the motion picture film to the high definition video storage medium and the digital data storage device that is used with the digital nonlinear motion picture editing equipment. It also appears that applicant's invention is regarded as a mere attempt to "increase the resolution of video used for editing purposes to more closely simulate the motion picture" (August 6, 1996 Office Action, page 2, para. 2). The amendments to the claims and the foregoing discussion should now make it clear that applicant's invention is much more than this and is vastly different from anything disclosed in the cited references.

Applicant's method addresses the need for viewing and evaluating raw film footage (dailies) and displaying visual images in a theatrical environment analogous to the big screen (for audience preview screening). This is normally done using workprint in order to provide the necessary level of viewing quality that results in meaningful feedback to the filmmakers,

App. No. : 08/607,791
Filed : February 27, 1996

who must make creative decisions relative to the final editing and the subsequent conformation (i.e., cutting) of the film negative. Applicant is the first to provide a method in which the workprint is eliminated in this type of preview screening process. In applicant's method, the viewing, evaluating and displaying of the images is done in an environment that most closely simulates the big screen environment where the final edited film will be displayed to the public. By providing this environment, applicant's method enables superior and more creative editing decisions to be made in a way that has never been done before without workprint.

The aspect of applicant's claims that involves transferring the visual images from the motion picture film to the high definition storage medium is just one step in the method. The visual images transferred to the high definition storage medium are used for dailies screenings and later, when conformed to the edit decision list of a nonlinear editing system, for previews of the edited work in progress. Applicant's method does not claim the use of high definition video. Indeed, high definition video is not used in applicant's method for nonlinear editing. Instead, it is used for exhibition to an audience for evaluative purposes in place of workprint.

The Washino patent relates to video (not film) production and post-production and is based on a dubious premise at best - the use of low quality, inexpensive equipment for higher quality purposes. If visual images having high quality and density are not recorded initially, they cannot be presented later. In any event, applicant traverses the rejection of claims 8-11 based on a combination of the Frazen, Kajimoto and Washino patents. However, since claims 8-11 are dependent on claim 1, applicant will defer a discussion of claims 8-11 at this time, other than to say that they are allowable for the same reasons set forth above with respect to claim 1.

App. No. : 08/607,791
Filed : February 27, 1996

Conclusion

Film studios are constantly striving to reduce costs wherever possible. In an industry dominated by nonlinear film editing, one would think that film studios would be desperate to eliminate workprint in connection with dailies and preview screening. Yet, despite all of the problems associated with workprint, and the clear motivation and long felt need that has existed for many years to solve those problems, no one has thought of a way to do so until applicant's invention.

In view of the foregoing, all claims of the application should now be in condition for allowance, and a Notice of Allowance at an early date is requested. If the Examiner has any comments or suggestions regarding the claims, he is invited to telephone Applicants' attorney of record so that extended prosecution of the application can be avoided.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 5, 1997

By: 

Craig S. Summers
Registration No. 31,430
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(714) 760-0404

css-1479:rd6
020497